

## **Electronically Recorded**

## Official Public Records

## Tarrant County Texas

1/6/2011 10:50 AM

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## **FOURTH AMENDMENT OF OIL, GAS AND MINERAL LEASE**

STATE OF TEXAS }  
COUNTY OF TARRANT }

KNOW ALL MEN BY THESE PRESENTS:

This Fourth Amendment (the "Amendment") to that certain Oil, Gas and Mineral Lease dated November 15, 2006, recorded as Instrument Number D206374108, Deed Records of Tarrant County, Texas on November 29, 2006 (the "Lease") by and between **LUMINANT MINERAL DEVELOPMENT COMPANY, LLC**, formerly known as TXU Mineral Development Company I, L.P., P.O. Box 681, Fairfield, Texas 75840, as "Lessor", and **XTO ENERGY INC.**, 810 Houston Street, Fort Worth, Texas 76102, as successor in interest to Vargas Energy, Ltd. as "Lessee".

WHEREAS, Paragraph 16 of Exhibit "B" to the Lease provides, in part, that the "continuous development program" means that not more than 180 days may elapse between the filing of any two unit declarations covering "Tracts" (or portions of Tracts) covered by the Lease; and

WHEREAS, the unit declaration for the Edwards Clear Fork West B Unit (Designation of Unit, dated October 29, 2010, recorded as Tarrant County Clerk Document No. D210272422 which shall hereinafter be referred to as the "Designation of Unit") was filed on November 2, 2010, and included a Tract (or portion of a Tract) covered by the Lease, but such filing date may have been more than 180 days after the file date of the previous declaration of unit for a pooled unit which included a Tract (or portion of a Tract) covered by the Lease; and

WHEREAS, notwithstanding the actual filing date of the Designation of Unit, Lessor desires to acknowledge that the obligations of the Lessee under the continuous development program described in Paragraph 16 of Exhibit "B" to the lease has nevertheless been satisfied by the filing of the Designation of Unit; and

WHEREAS, Lessor and Lessee desire to amend the Lease in accordance with this instrument.

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the undersigned parties do hereby covenant and agree, as follows:

Lessor hereby stipulates and agrees that, notwithstanding the actual filing date of the Designation of Unit, the obligations of the Lessee under the continuous development program described in Paragraph 16 of Exhibit "B" of the Lease have been fully and completely satisfied and Lessor does hereby expressly waive any non-compliance or non-performance with regard to the Lessee's obligations under the continuous development program which may have occurred prior to the date of this Amendment. The Lease is, and shall remain, in full force and effect and the Lessee shall be considered to be in compliance with the continuous development program at least until May 1, 2011 (being 180 days following the file date of the Designation of Unit), and so long thereafter as the Lessee's obligations under the continuous development program are satisfied or as may be otherwise provided in the Lease.

Lessor hereby adopts, ratifies and confirms the Lease as to all of the terms and provisions therein, as hereby amended, and Lessor does hereby grant, lease, let and demise unto XTO Energy Inc., as Lessee, all of the lands covered by the Lease, in accordance with all of the terms and provisions of the Lease, as amended hereby, and Lessor further expressly acknowledges that

the Lease, as hereby amended, ratified and revived is a valid and subsisting lease and is in full force and effect as to all of the lands covered thereby.

This instrument shall be binding upon and inure to the benefit of Lessor and Lessee, their respective successors and assigns.

IN WITNESS WHEREOF, the parties have caused this Amendment to Oil, Gas and Mineral Lease to be duly executed on the 21<sup>st</sup> day of December, 2010, but shall be effective for all purposes as of the date of the Lease.

**LESSOR:**

LUMINANT MINERAL DEVELOPMENT COMPANY LLC,  
A Texas limited liability company

**LESSEE:**

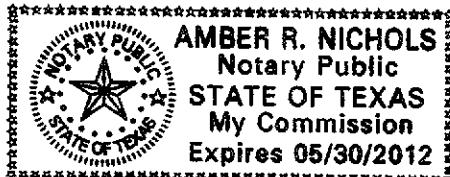
## XTO ENERGY INC.

Edwin S. Ryan, Jr.

## ACKNOWLEDGEMENT

STATE OF TEXAS  
COUNTY OF FREESTONE

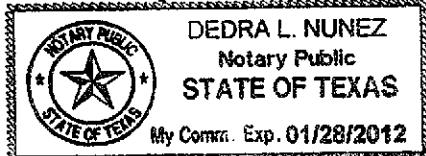
This instrument was acknowledged before me on the 21st day of December, 2010 by H. Gene Reynolds, Jr., Attorney-in-Fact of Luminant Mineral Development Company LLC, a Texas limited liability company, on behalf of said limited liability company.



Amber L. Nichols  
Notary Public, State of Texas

STATE OF TEXAS }  
COUNTY OF TARRANT }

This instrument was acknowledged before me on this 4<sup>th</sup> day of June, 2011,  
by Edwin S. Ryan Jr., Senior Vice President - Land Administration of XTO Energy Inc., a  
Delaware corporation, on behalf of said corporation.



  
Debra S. White  
Notary Public, State of Texas